

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**CONSTANCE ALEXANDER, DINORAH
WILLIAMS, and PETULA ALEXANDER,**

Plaintiffs,

v.

**STEADFAST INSURANCE CO.,
DEEP SOUTH SURPLUS OF TEXAS,**

Defendants.

1:20-cv-00038-MEM-EAH

**TO: Lee J. Rohn, Esq.
Mark Wilczynski, Esq.**

ORDER

THIS MATTER comes before the Court upon the parties' First Joint Motion for Extension of Deadlines. Dkt. No. 139. In this motion, the parties seek to extend the discovery deadline, set forth in the Scheduling Order issued on June 2, 2023 that provided for a November 30, 2023 fact discovery deadline. Dkt. No. 120. The parties seek to extend the fact discovery deadlines in the current Scheduling Order by 75 days, until February 16, 2024, and other deadlines generally by 45 days, to end up with the same dispositive motion deadline of June 22, 2024 as provided in the June 2023 Scheduling Order. Dkt. No. 139.

In support for their motion, the parties explain that they have been exchanging written discovery. *Id.* However, because of the age of the underlying incidents in this case—dating from an automobile accident in April 2007—they have experienced difficulties in completing that discovery in a timely manner. In addition, a key witness—Thomas Crossland—has left the Territory and they located him recently. While Depositions of the

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Plaintiffs and the Defendants' Rule 30(b)(6) representative have been scheduled, Mr. Crossland's deposition has not been scheduled. Both parties are attempting to contact Mr. Crossland to set that deposition, hopefully without having to issue a subpoena. *Id.* They assert that their proposed revision of the Scheduling Order deadlines will not prejudice either party and will permit them to complete depositions and engage in mediation that may be helpful to resolve this case. *Id.*

This case has been on the docket since August 2020, when it was removed from Superior Court. Dkt. No. 1. The Court issued an initial scheduling order in January 2022 that set a discovery deadline for July 1, 2022, Dkt. No. 52, and an amended scheduling order that set a discovery deadline for September 30, 2022. Dkt. No. 67. After some dispositive motion litigation, the Court set a continued initial conference for the parties (Plaintiffs and Defendant Steadfast), and issued a Scheduling Order on June 2, 2023 that has been governing this case. Dkt. No. 120. While the Court understands that the events in this case are quite old, at the same time it is important that this case be brought to a resolution. As a result, the Court will grant the parties' joint motion for an extension, but emphasizes that it will not extend the deadlines in this case beyond those contained in this Order, and that the parties will be required to complete their tasks within the deadlines below.

Upon consideration of the parties' First Joint Motion for Extension of Deadlines, Dkt. No. 139, the Court enters the following schedule, to which the parties shall adhere and by which the proceedings in the above-captioned matter shall be governed.

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WHEREFORE, it is now hereby **ORDERED**:

1. The parties' First Joint Motion for Extension of Deadlines. Dkt. No. 139, is **GRANTED**.
2. The Scheduling Order, Dkt. No. 120, entered June 2, 2023, is **AMENDED** as follows:
 - a. All factual discovery, including written discovery and fact witness depositions, shall be completed on or before **February 16, 2024**.
 - b. Mediation shall be completed no later than **March 1, 2024** and shall be conducted pursuant to Local Rules of Civil Procedure Rule 3.2.
 - c. Plaintiffs' experts shall be named and copies of their opinions, as provided in Fed. R. Civ. P. 26(a)(2), shall be served no later than **April 1, 2024**.
 - d. Defendants' experts shall be named and copies of their opinions, as provided in Fed. R. Civ. P. 26(a)(2), shall be served no later than **May 1, 2024**.
 - e. All experts' depositions, as provided in Fed. R. Civ. P. 26(a)(2), shall be completed no later than **May 31, 2024**. No rebuttal reports are allowed without leave of Court.
 - f. Any and all dispositive motions, including *Daubert* motions, shall be filed on or before **June 22, 2024**. No extensions for filing opposition or reply briefs are allowed without leave of Court. If no dispositive motions will

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be filed in the case, the parties shall file, no later than **June 15, 2024**, a joint notice stating that the parties have not filed and do not intend to file any dispositive motions.

- g. A status conference is scheduled for **Thursday, February 22, 2024 at 10:00 a.m. (AST) in person** before the undersigned U.S. Magistrate Judge in STX Courtroom 3. The status conferences previously set for December.6, 2023 and January 18, 2024 are **CANCELLED**.
- h. Pretrial filing deadlines and the trial date will be set by further Order of the Court.
- i. Any extensions, changes, and/or modification of any dates or deadlines contained herein shall be made only for good cause and only with the Court's consent pursuant to Fed. R. Civ. P. 16(b)(4).

ENTER:

Dated: November 7, 2023

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE